

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 15-cr-20382

v.

HON. VICTORIA A. ROBERTS

D-1 PAUL NICOLETTI,

Defendant.

/

*STIPULATION ADJOURNING TRIAL AND FOR
FINDING OF EXCLUDABLE DELAY PURSUANT TO 18 U.S.C. §3161*

The parties, through MATTHEW SCHNEIDER, United States Attorney, and Craig A. Weier, Assistant United States Attorney, for the United States, and JAMES C. HOWARTH for D-1 PAUL NICOLETTI, hereby stipulate that the trial in this case previously scheduled for **July 17, 2018** at 8:30am be adjourned, and that this case be scheduled for a status conference on **September 5, 2018** at 2pm for the purpose of determining how much additional time will be required for newly-appointed counsel to be prepared to proceed to trial in light of voluminous discovery and re-examination of potential defense motions;

The parties stipulate further that the delay from and including the last scheduled trial date, July 17, 2018 to **September 5, 2018** is

necessary to allow counsel an opportunity to begin his preparation for trial, as well as to consider additional pretrial motions, and for the parties to advise the Court, in writing, on or before **August 13, 2018**, about the potential applicability of *United States v. Amir Banyan and Bryan Puckett*, Nos. 17-6410 and 17-6493, now pending before the United States Court of Appeals for the Sixth Circuit.

The parties further stipulate that the period of delay from and including July 17, 2018 to September 5, 2018 should be excluded from the time within which the above-noted case must be tried pursuant to the Speedy Trial Act because the reasons for the delay stated above outweigh the best interests of the public and the defendants in a speedy trial. *See* 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(ii), and 3161(h)(7)(B)(iv).

Respectfully submitted,

MATTHEW SCHNEIDER
United States Attorney

s/CRAIG A. WEIER (P33261)
Assistant U.S. Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
Phone: (313) 226-9678
E-Mail: craig.weier@usdoj.gov

JAMES C. HOWARTH
Attorney for Defendant

s/JAMES C. HOWARTH
615 Griswold Street
Suite 820
Detroit, Michigan 48226
(313) 963-1455
james-howarth@att.net

Dated: July 12, 2018

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 15-cr-20382

v.

HON. VICTORIA A. ROBERTS

D-1 PAUL NICOLETTI,

Defendant.

/

*ORDER ADJOURNING TRIAL AND FOR
FINDING OF EXCLUDABLE DELAY PURSUANT TO 18 U.S.C. §3161*

The Court, having reviewed and considered the stipulation of the parties, dated July 12, 2018, as well as the statements of counsel at a status conference of July 11, 2018, and it appearing that additional time is necessary to allow newly-appointed counsel to begin his review of voluminous discovery, consider the propriety of additional pretrial motions and assess applicability of *United States v. Amir Banyan and Bryan Puckett*, Nos. 17-6410 and 17-6493, now pending before the United States Court of Appeals for the Sixth Circuit;

IT IS NOW THEREFORE ORDERED that the **trial** in this matter scheduled for **July 17, 2018** at 8:30am is adjourned, and that this case is scheduled for a status conference on **September 5, 2018** at 2pm for

the purpose of determining how much additional time will be required for newly-appointed counsel to be prepared to proceed to trial in light of voluminous discovery and re-examination of potential defense motions.

IT IS FURTHER ORDERED that the delay from and including the last scheduled trial date, July 17, 2018 to **September 5, 2018** is necessary to allow counsel an opportunity to begin his preparation for trial, as well as to consider additional pretrial motions, and for the parties to advise the Court, in writing, on or before **August 13, 2018**, about the potential applicability of *United States v. Amir Banyan and Bryan Puckett*, Nos. 17-6410 and 17-6493, now pending before the United States Court of Appeals for the Sixth Circuit;

IT IS FURTHER ORDERED that the period from and including July 17, 2018 to September 5, 2018 be excluded from the calculations of the time period within which the defendant must be tried pursuant to the Speedy Trial Act because the Court finds, for the reasons set forth above, that the reasons for the delay outweigh the best interests of the public and the defendants in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(ii), and 3161(h)(7)(B)(iv).

SO ORDERED.

S/Victoria A. Roberts
HONORABLE VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE

Date: July 20, 2018